# **ZB# 85-18**

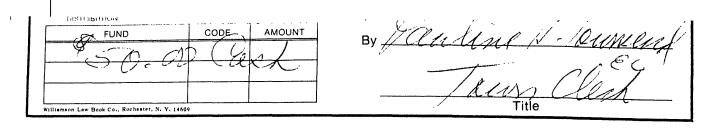
# Diamond Candle

9-1-66 & 68

85-18-Diamond Candle Notice to Sentimed on 4/4/85. L. List ordered 7/11/85 (5)

Gene	ral Receipt 6788
TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, N. Y. 12550 Received of	andle \$ 5000)
Fifty and job	DOLLARS DOLLARS
FOR DISTRIBUTION:  FUND CODE AMOUNT	By Hauline /- Townens
Williamson Law Book Co., Rochester, N. Y. 14609	Taus Clean Title













# NEW WINDSOR ZONING BOARD OF APPEALS

In the Matter of the Application of

DECISION DENYING AREA VARIANCE

DIAMOND CANDLE CO., INC.

#85-18.

WHEREAS, DIAMOND CANDLE CO., INC., a corporation, located on John Street, New Windsor, New York 12550 in a PI zone, by its President, Robert Schisano, has made application before the Zoning Board of Appeals for an area variance for the purpose of:

Subdividing of property into two lots.

WHEREAS, a public hearing was held on the 12th day of August, 1985 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant appeared by his attorney, Richard Schisano, Esq., 328 Route 9W, New Windsor, N. Y.; and

WHEREAS, the application was opposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

- 2. The evidence shows that applicants own a parcel of property containing 7.8 acres± and are planning to subdivide and sell one (1) parcel, thereby creating a lot which is less than the required bulk regulations.
- 3. The evidence presented by the applicant failed to substantiate the fact that practical difficulty would be encountered if the applicant was denied an area variance.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

- 1. The evidence shows that the applicant will not encounter practical difficulty if the area variance requested is not granted.
- 2. The requested variance will result in substantial detriment to adjoining properties and change the character of the neighborhood.

### NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor DENY a 8,650 sq. ft. lot area variance in accordance with plans submitted and dated 7/1/84.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: September 9, 1985.

cc: Richard Schisano, Esq. 328 Route 9W

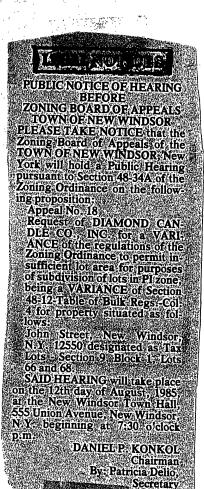
New Windsor, N. Y. 12550

Prelion.
4/22/85 Noshon
85-18.

# TOWN OF NEW WINDSOR ORANGE COUNTY, N. Y. OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION
But 562-2391
File No. Date 15, 19.85
To Diamond Candle Co., Inc.
% Richard Schisans, Esq. 562-9020
New Windsor, NY 12550
PLEASE TAKE NOTICE that your application dated
for permit to Subdivide lands
at the premises located at John Street
Tax Map Section 9, Block 1, Lots 68 \$66
is returned herewith and disapproved on the following grounds:
Zoning Dist P. I - Proposed lot does not comply
will min but size of to,000 s. F. Proposed 31,350 SF: will need \$500 SF variance
Proposed 31,350 SF : will need 5555 F variance
Ma Vinance - Building Inspector
(ot area)
DI. TO SF.
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State of New York
County of Orange,ss:

Light Smith, being duly sworn disposes and says that he is Publisher of the E.W. Smith Publishing Company, Inc. publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, and that the notice of which the annexed is a true copy was published ONCE

in said newspaper, commencing on the  $\frac{18^{\frac{1}{10}}}{10}$  day of  $\frac{1}{10}$  day of  $\frac{1}{10}$  day of  $\frac{1}{10}$  day of  $\frac{1}{10}$ 

Subscribed and shown to before me this 39th day of \_\_\_\_\_\_, 1986.

Notary Public of the State of New York County of Orange.

My commission expires 330 87.

PATRICIA DELIO
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 19827.

555 UNION AVENUE NEW WINDSOR, NEW YORK

August 13, 1985

1763

Richard Schisano, Esq. 328 Route 9W New Windsor, N. Y. 12550

RE: APPLICATION FOR AREA VARIANCE - #85-18
DIAMOND CANDLE CO., INC.

Dear, Mr. Schisano:

This is to confirm that a public hearing was held regarding the above-entitled application before the Zoning Board of Appeals. The Board voted to DENY the request for an area variance at the August 12, 1985 meeting.

Formal decision will be drafted at a later date and acted upon by the Board. You will be receiving a copy by return mail.

Best regards.

Very truly yours,

PATRICIA DELIO

Secretary to Zoning Bd. of Appeals

/pd

Town Building Inspector Planning Board

# PUBLIC NOTICE OF HEARING BEFORE ZONING BOARD OF APPEALS TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Ordinance on the following proposition:

Appeal No. 18 Request of DIAMOND CANDLE CO., INC. for a VARIANCE of SERVERALXERRALE the regulations of the Zoning Ordinance to permit insufficient lot area for purposes of subdivision of lots in PI zone, being a VARIANCE SRRQLAL XRREMLY of Section 48-12 - Table of Bulk Regs.-Col. 4 for property situated as follows: John Street, New Windsor, N. Y. 12550 designated as Tax Lots - Section 9, Block 1, Lots 66 and 68. SAID HEARING will take place on the 12th day of August , 1985, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 7:30 o'clock P. M.

> DANIEL P. KONKOL Chairman

# 1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE NEW WINDSOR, NEW YORK

July 12, 1985

Diamond Candle Co Inc. P.O. Box 189 Newburgh, N.Y.

RE: 9-1-66-68

Dear Sir: "

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$25.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

CHRISTIAN E. JAHRLING IAO

& Jahrling

SOLE ASSESSOR

Town of New Windsor

# RETAKE OF PREVIOUS DOCUMENT

# PUBLIC NOTICE OF HEARING BEFORE ZONING BOARD OF APPEALS TOWN OF NEW WINDSOR

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> DANIEL P. KONKOL Chairman

Thank your D. M.



555 UNION AVENUE NEW WINDSOR, NEW YORK

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CHRISTIAN E. JAHRLING IAO

Thustan E/aheling

Reda Restator e (m.) 

SOLE ASSESSOR

Town of New Windsor



555 UNION AVENUE NEW WINDSOR, NEW YORK

Mitchell Nancy Lee 124 John Street New Windsor NY 12550

Miron Stephen E & Kenneth R c/o Federal Block Corp PO Box 4090 New Windsor NY 12550

Cornwall Paper Mills 51-83 S Jefferson St Orange NJ 07050

Paffendorf Brewster H & Geraldine C 4 Quassaick Ave New Windsor NY 12550

Schisano Salvatore
Box 189
Newburgh NY 12550

Ostner Richard A & Christine B
Bethlehem Rd RD2
New Windsor NY 12550

/ Catalano Toni Ann 30 Quassaick Ave New Windsor NY 12550

/ Acquaro Salvatore
16 Hillside Ave
New Windsor NY 12550

Petro Marie
24 Stori Road
Newburgh NY 12550

√ Caron Helen A
38 Quassaick Ave
New Windsor NY 12550

Bianco Patrick

42 Quassaick Ave

New Windsor NY 12550

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Traver George & Bertha 26 Quassaick Ave New Windsor NY 12550

Aghareza Abolhassan & Fatemeli 221 Walsh Ave New Windsor NY 12550

/ Marchetta Bruno & Maddalena 217 Walsh Ave New Windsor NY 12550

Eldridge Jean & Lulu 211 Walsh Ave New Windsor NY 12550

Rumsey Charles E Jr & Frances

192 Walsh Road

New Windsor NY 12550

Miller Walter M
Jones Harold & Shirley
9 Cedar Ave
New Windsor NY 12550

Slevin William C & Carol A
21 Cedar Ave
New Windsor NY 12550

Grevas Brenda / 33 Quassaick Ave New Windsor NY 12550

Szloboda John J & Mary A 14 Ledyard St New Windsor NY 12550



555 UNION AVENUE NEW WINDSOR, NEW YORK

- / Kubina Stephen & Rose
  Ledyard Street MD26
  New Windsor NY 12550
- ✓ Kubina Anna 33 John Street New Windsor NY 12550
- Saffioti Cosmo & Joseph

  √ c/o Saffioti
  61 Quassaick Ave
  New Windsor NY 12550
- Dubetsky Francis
  Harrigan Road
  Hopewell Junction NY 12533
- / Tomann Paul K
  Old Albany Post Road
  Garrison NY 10524
- Orzechowski Zygmunt & Stella 61 Blanche Ave New Windsor NY 12550
  - Gray E Arthur

    PO Box 722

    100 E Main Street

    Port Jervis NY 12771
- Deyo Dennis & Sherry 1 John Street New Windsor NY 12550
- Sloboda Henry P
  48 John Street
  New Windsor NY 12550
- American Felt & Filter Co 34 John Street New Windsor NY 12550

Mc Carthy Francis 140 John Street New Windsor NY 12550

A secretary and the second

Magazino Peter & Rosemarie
/ 138 John Street
New Windsor NY 12550

Alexander of the second

Post James & Marianne 136 John Street New Windsor NY 12550

the territory of the contract

- Knorr Gilbert C Forest Pk RD3 Box 119 Wallkill NY 12589
- Peragine Joseph
  Apt 10G 333 East 55th. St
  New Yrok NY 10022

Commission of the State of

- Pietrobuono Gerardo & Gina 128 John St New Windsor NY 12550
- Brown James J & Irene 126 John St New Windsor NY 12550
- Stone Elizabeth

  122 John St

  New Windsor NY 12550
- Ellingsen Kenneth & Barbara 120 John St New Windsor NY 12550
- Stent Edward C & Emma F 118 John St New Windsor NY 12550
- McDaniel James & Dorothy 116 John St New Windsor NY 12550



555 UNION AVENUE NEW WINDSOR, NEW YORK

De Pace Samuel & Masako 112 John St New Windsor NY 12550

Van Zandt Thomas E & Marlene F 108 John Street New Windsor NY 12550

Gerli John E

44 South Stanwich

Greenwich Conn 06380

Jensen James C Jr √ 139 John St New Windsor NY 12550

Sager Gladys 135 John St New Windsor NY 12550

✓ Evans Mae H
 189 Windsor Highway
 New Windsor NY 12550

Frisenda Ubaldo & Marie / 123 John St New Windsor NY 12550

Decker Patricia Ann 113 John St New Windsor NY 12550

√ Radulski Edward, Mary Lou & Jack RDl Campbell Hall NY 10916

Veteran's Administration Reginal Office 252 7th. Ave New York City NY 10001

Carney John & Mary
5 High St
New Windsor NY 12550

/ Conklin Yvonne 23 High St New Windsor NY 12550

Sager Gladys 135 John St New Windsor NY 12550

Hayes Agnes F 165 Walsh Ave New Windsor NY 12550

Rockafellow Hilda M & Harry E 8 Cedar Ave New Windsor NY 12550

Quassaick Fire Engine Co of

New Windsor

Walsh Road

New Windsor NY 12550

### INTER-OFFICE CORRESPONDENCE

TO:

TOWN PLANNING BOARD

TOWN BUILDING/ZONING INSPECTOR BABCOCK

FROM:

ZONING BOARD OF APPEALS

RE:

PUBLIC HEARINGS BEFORE THE ZBA - August 12, 1985

DATE:

July 30, 1985

Please be advised that the following public hearings will be heard before the Zoning Board of Appeals on the above date:

MC ADON, VINCENT - Frontyard variance

SLOAN/SOTLAND - Use/area variances

RYDLEWSKI, MICHAEL - Area variances

DIAMOND CANDLE, CO., INC. - Lot area variance

I have attached hereto copies of the pertinent applications together with public hearing notices which were published in  $\underline{\text{The}}$  Sentinel.

Patricia Delio, Secretary Zoning Board of Appeals

/pd

Attachments

# B. ORANGE COUNTY DEPARTMENT OF PLANNING APPLICATION FOR MANDATORY COUNTY REVIEW OF LOCAL PLANNING ACTION (Variances, Zone Changes, Special Permits, Subdivisions)

Section A. - To be completed by Local Board having jurisdiction.

To be signed by Local Official.

	Local File No. 85-18
1. Municipality TOWN	OF NEW WINDSOR Public Hearing Date 8/12/85
// City, Town or Villag	e Board $/$ Planning Board $/$ X/ Zoning Board of Appeals
2. Applicant: NAME	DIAMOND CANDLE CO., INC.
Address	P. O. Box 189, Newburgh, N. Y. 12550
	y, Engineer, Architect Richard Schisano, Esq. (attorney) Elias D. Grevas, L.S. (surveyor) John Street, New Windsor, N. Y.
	(street or highway, plus nearest intersection)
공공장 그 그들의 빨리 경우 뱃글라다.	cion: Section 9 Block 1 Lot 66 & 68
Present Zoning Dist	rict Planned Industrial Size of Parcel 31,350 s.f.
4. Type of Review:	(1) (1) 10 10 10 10 10 12 12 12 13 10 10 10 10 10 10 10 10 10 10 10 10 10
// Special Permit Use*	
$\frac{\sqrt{X}}{\sqrt{X}}$ Variance* Use	
Area	- 8,500 s.f.
// Zone Change*	From: To:
// Zoning Amendment*	To Section:
// Subdivision**	Major Minor
7/19/85 Date	Signature and Title

\*Cite Section of Zoning Regulations where pertinent
\*\*Three (3) copies of map must be submitted if located along County
Highway, otherwise, submit two (2) copies of map.

# TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

# 85-18

### APPLICATION FOR VARIANCE OR SPECIAL PERMIT

% Richard Schisano, Esq. Applicant Information: DIAMOND CANDLE CO., INC., 328 Route 9W, New Windsor, N.Y. (Name, address and phone of Applicant) (Owner) (b) n/a (Name, address and phone of purchaser or lessee) Richard Schisano, Esq., 328 Route 9W, New Windsor, N. Y. (Name, address and phone of attorney) (c) (d) n/a (Name, address and phone of broker) II. Application type: Use Variance Sign Variance Area Variance Special Permit III. Property Information: John Street, New Windsor (Address) 9-1-66 & 68 31,350 s.f. (a) (S B L) (Lot size) What other zones lie within 500 ft.?  $_{R-4}$  Is a pending sale or lease subject to ZBA approval of this application? no When was property purchased by present owner? 1956
Has property been subdivided previously? No When? (d) (e) Has property been subject of variance or special permit (f) When? previously? no When? - Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? Yes - 4/15/85 previously? (g) Is there any outside storage at the property now or is any proposed? Describe in detail: No outside storage is anticipated. Use Variance: (a) Use Variance requested from New Windsor Zoning Local Law, Section , Table of Regs., Col. , to (Describe proposal)

•		2	
	(%)	The legal standard for a "Use" variance is unnecessary	
	(6)	hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also	
		set forth any efforts you have made to alleviate the hardship other than this application.	
			,
V.		variance: Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Bulk Regs., Col. 4	
		Requirements Proposed or Variance Requirements Available Request	
		Min. Lot Area 40,000 s.f. 31,350 s.f. 8,600 s.f.	
		Reqd. Front Yd	
		Reqd. Rear Yd Reqd. Street	
•		Frontage* Max. Bldg. Hgt.	
,		Min. Floor Area*	
	·	Floor Area Ratio***	
		<pre>* Residential Districts only ** Non-residential districts only</pre>	
	(b)	The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty	•
		will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the	
		difficulty other than this application.  Due to the position of the buildings on the property	
		which pre-existed zoning, and the triangular configuration of the lot, it is impossible to subdivide the property without the requested variance. Applicant feels that	
		this situation results in practical difficulty.	
VI.	Sigr	variance:	
		(a) Variance requested from New Windsor Zoning Local Law, Section, Table ofRegs., Col	
•		Proposed or Variance  Requirements Available Request	
		Sign 2 Sign 3	
		Sign 4 Sign 5	
		Totalsq.ftsq.ftsq.ft.	-
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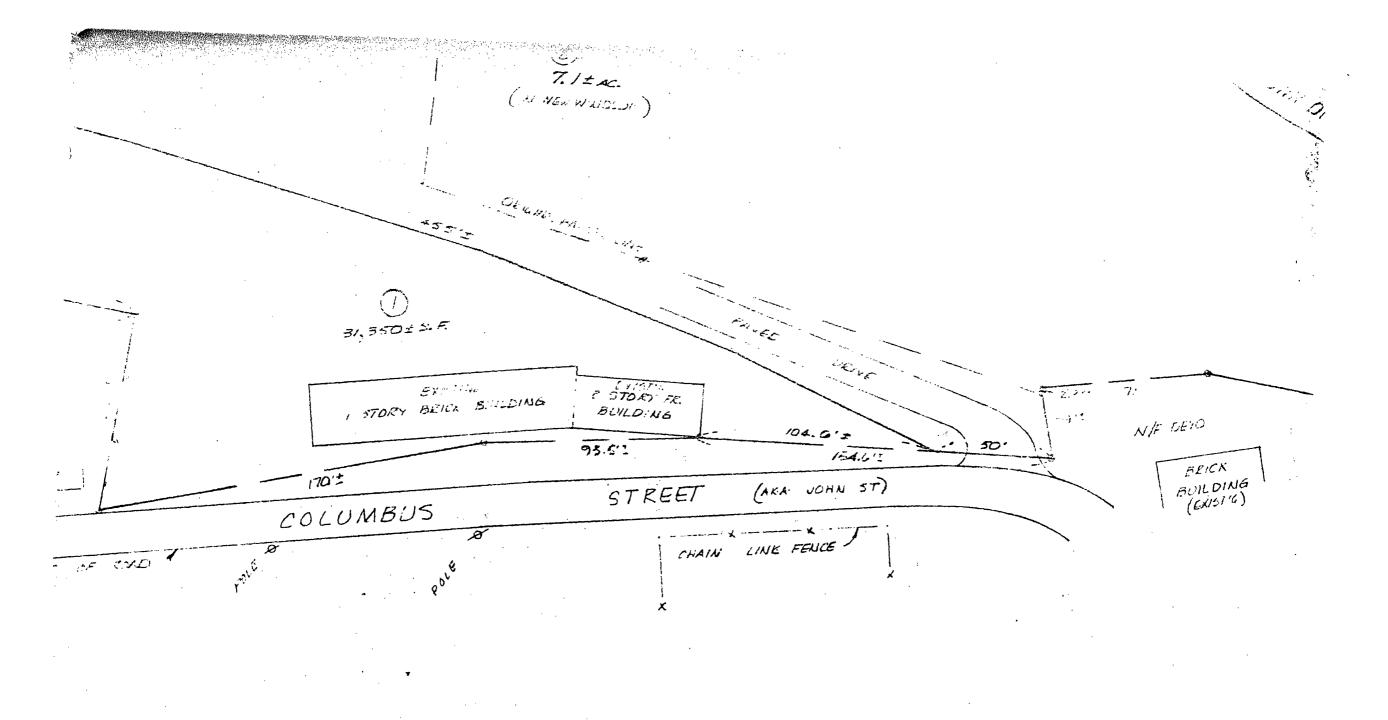
	<b>√</b>		-3-
		(b)_	Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.
The state of the s			
E. S.			
Reserved			
	· .	(c)	What is total area in square feet of all signs on premises including signs on windows, face of building, and freestanding signs?
		•	
1	VII.	Spec:	ial Permit:
}		(a)	Special Permit requested under New Windsor Zoning Local Law, Section, Table of Regs., Col
		(b)	Describe in detail the use and structures proposed for the special permit.
7			
V <sub>e</sub>			
1 • •			
<u> </u>	•		
	VIII.		ional comments: Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening,
·			sign limitations, utilities, drainage.)
• • •			Since the existing buildings are pre-existing and the
			zoning classification is Planned Industrial, the use of the property will remain the same. There will be no major changes in conjunction with the neighboring properties. Property will be drastically upgraded for future use.
,			
The state of the s	IX.	Atta	<pre>chments required:     x    Copy of letter of referral from Bldg./Zoning Inspector     x    Copy of tax map showing adjacent properties.     n/a    Copy of contract of sale, lease or franchise agreement.         Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.</pre>
			Photos of existing premises which show all present signs and landscaping.
		,	

Date <u>July 15, 1985</u>

### X. AFFIDAVIT

목숨 가능 방법 젊은 그렇게 하는 경우리 아이들은 사람들을 하게 받았다. 그 사람들은 아이들은 사람들은 아이들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람
STATE OF NEW YORK) SS.:
COUNTY OF ORANGE )
The undersigned Applicant, being duly sworn, deposes
and states that the information, statements and representations
contained in this application are true and accurate to the best of
his knowledge or to the best of his information and belief. The
applicant further understands and agrees that the Zoning Board
of Appeals may take action to rescind any variance or permit grante
if the conditions or situation presented herein are materially
changed.
마양생활경을 보고 이번 불렀다고 하고 있다. 이 모르는 보고 있는 사람들은 최고 생각이 보고 한 경기를 모르는 것이 되었다. 이 모임이 되는 사람들의 이 경기를 가장되었다. 이 경기를 보고 있는 것이 되었다. 그런 그는 사람들은 사람들이 되었다. 이 경기를 보고 있다.
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(Applicant) Sworn to before me this
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day of <u>, 19_85</u> .
는 사람들이 되었다. 그런 사람들은 사람들이 되었다. 그는 사람들이 되었다. 그는 사람들은 사람들이 되었다. 
XI. ZBA Action:
(a) Public Hearing date
(b) Variance is
Special Permit is
(c) Conditions and safeguards:
A FORMAT

A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS.



Silver, Forrester & Schisano

ATTORNEYS AND COUNSELORS AT LAW

BARRY B. SILVER, P. C. (N.Y. & FLA. BAR) MICHAEL H. FORRESTER, P. C. RICHARD SCHISANO

ALBERT S. MACDOWELL SOL LESSER Post Office Box 2265
Newburgh, New York 12550
(914) 562-9020 (914) 562-7570

IN REPLY-REFER TO FILE# 1303

April 3, 1985

Building Inspector Town of New Windsor 555 Union Avenue New Windsor, New York 12550

Attn: Mr. Patrick Kennedy

RE: DIAMOND CANDLE CO., INC.

Dear Mr. Kennedy:

Enclosed herein please find sit plan for minor subdivision for Diamond Candle Co., Inc..

Please issue to me at your earliest convenience your Notice of Denial in order that I may approach the Town Zoning Board of Appeals.

Thank you for your courtesy and cooperation.

Very truly yours,

RICHARD SCHISANO

RS/kpc encl. TOWN OF MEDAL WINDSOR

BY 9 1985

